

INTERFRATERNITY COUNCIL
UNIVERSITY OF CALIFORNIA, IRVINE

JUDICIAL PROCEDURES

BY-LAWS

ARTICLE I

Purpose

- Section 1.** The goals of the IFC Judicial process are to compel adherence to both University and IFC policies, to resolve conflicts within the Greek community, and to improve the public image of the Greek community by promoting high standards of conduct.

ARTICLE II

Referral to Judicial Board

Section 1. *Complaints*

- A. A complaint of any infraction of the IFC constitution, by-laws, or policies and acts, or established University regulations applying to all students must be done so using an initial IFC Violation Report Form.
1. This Form must:
 - a. be filed with the IFC Executive Vice-President and the Director of Greek Life.
 - b. be filed within 30 days after it has occurred.
 - c. be filled out completely and be signed by the chapter president in the event that the report is being filed by the chapter or by the person filing the report.
 2. The term “business days” shall be defined as the normal business day and shall not include Saturdays, Sundays, legal holidays, or University administrative holidays.
 3. During school breaks or vacation, above procedures must be followed, then these incidents will be dealt with as soon as possible when school reconvenes.
 4. Under extenuating circumstances, the IFC Executive Board has the option to refer a complaint after the 30 days statute of limitations for the filing of an incident report to the Judicial Board.
 5. The IFC President, Executive Vice President and the Director of Greek Life have the option to do one of the following:
 - a. Send the case to a mediation session.
 - b. Refer the case to the IFC Judicial Board.

Section 2. *Mediation Procedures*

- A. Scheduling Mediation: A time and place for the mediation meeting shall:
1. Be scheduled by the IFC Executive Vice-President in conjunction with the chosen mediator.
 2. Be held within 30 days of the endorsement of mediation.

- B. Choosing the Mediator: A mediator shall be selected who is available to serve as a neutral party to the mediation process. A university staff member, or the Director of Greek Life may serve as mediator.

UNDERGRADUATE CHAPTER MEMBERS SHALL NOT SERVE AS MEDIATORS.

Participants: the following people may be involved in the mediation process: the mediator, the presidents of the involved chapters, the chapter recruitment chairman, an advisor from each chapter involved, signer of the violation form, and the Director of Greek Life if not the mediator. Members of the IFC Executive Board and the Judicial Board shall not participate.

If the mediation is due to a bylaw infraction the mediation may have the following people involved: the mediator, the president of the involved chapter, or an appropriate substitute, one at-large member, an advisor from the chapter, the signer of the violation form, two members of the IFC Executive Board, preferably the President and Executive Vice President, and the Director of Greek Life if not the mediator. A member of the IFC Judicial Board or the IFC Executive Board may not represent his own chapter during mediation.

- C. Records: A secretary shall be appointed to record the minutes of the mediation meeting. The minutes will be submitted to the Judicial Board after being approved by both parties if closure is not reached by mediation.
- D. Completion: The agreement reached in mediation is recorded and copies are given to the chapter and their advisors and other persons involved in the mediation. The IFC Executive Vice-President is responsible for seeing that any agreements made are fulfilled. If no agreement is reached the complaint will be referred to the Judicial Board.
- E. Mediation Guidelines: A successful mediation settles differences without the formal process of a hearing, provides a solution acceptable to all without involving multiple witnesses and time consuming discussions.
1. Set a time frame for the meeting (to last no longer than one hour).
 2. Provide pertinent materials for everyone; a copy of the infraction report and copies of all rules and by-laws that are in question.
 3. Identify the problem.
 4. Provide time for each participant to explain his position.
 5. Search for alternative solutions. List all solutions and discuss each one.
 6. Select a fair and reasonable course of action, specific and doable.
 7. Agree to keep the mediation discussion private.
 8. Take written minutes (not recorded).
 9. Before the meeting closes, be sure everyone knows the results of the discussion.

10. Be sure questions by all parties are answered satisfactorily.
11. After membership recruitment is over, evaluate the process and course of action.
12. After the conclusion of the mediation both parties shall evaluate the process and course of action.
13. The results of the mediation will be shared at the next regularly scheduled IFC meeting. The ruling of the mediation will not be shared at the next IFC meeting if slated to go to a judicial board hearing.

Section 3. *Notice of Hearing*

- A. The IFC Executive Vice-President must notify the involved parties by letter of date, time, and place for the hearing. The IFC Executive Vice-President shall hand deliver the letter to the presidents of the involved chapters.
- B. The letter shall specify a hearing date at least three business days after receipt. The notice period may be shortened if it becomes necessary to conduct a hearing before the end of a quarter or under extenuating circumstance.
 1. If the charged fraternity should request an earlier hearing date the IFC Executive Vice-President shall direct the chapter(s) to appear at the hearing.
- C. The IFC Executive Vice-President will prepare a written report to the Judicial Board detailing the facts uncovered in preliminary investigations or in mediation, attaching pertinent written documentation relating to the complaint. A copy of this report will be given to the Judicial Board members at the hearing and be included in the hearing notice to the president(s) of the fraternity(s) involved. The written notice will include the following:
 1. the name of the plaintiff or group filing the complaint;
 2. the date and place of the incident;
 3. a description of the alleged violation;
 4. the date, place, and time of the hearing;
 5. A statement of rights as outlined in these by-laws;

ARTICLE III

Hearing Process

Section 1. There shall be at least two-thirds of the voting justices present in order to conduct a hearing. The IFC Executive Vice-President shall only vote in the event of a tie. A justice must disqualify himself if his fraternity, or a member of that fraternity, is involved in a complaint. If a justice feels he cannot judge a complaint fairly, the justice may choose to disqualify himself. If a justice is disqualified he is removed from the pool of justices and will not affect quorum.

Section 2. In the event that the IFC Executive Vice-President cannot perform the duties of his office during the hearing, the IFC Vice President of

Recruitment shall fill the role. If neither is available, the Judicial Board, with a majority vote, will appoint a Judicial Board member to fill the role.

- Section 3.** The hearing will take place as scheduled. If an individual, or a chapter's representative, fails to appear at the hearing, the Judicial Board, by way of majority vote will select one of the following courses of action:
1. Reschedule the meeting.
 2. Render a decision based on the available information.

The following people may be present at the hearing: chapter presidents, 1 at-large member of each chapter, a chapter advisor from each chapter, the Director of Greek Life, the IFC Judicial Board, the IFC Executive Vice-President, and the signer of the complaint. A member of the IFC Judicial Board or the IFC Executive Board may not represent his own chapter during a Judicial Board Hearing.

- Section 4.** All Evidence relevant to a complaint is admissible at a hearing. This may include direct (eye witness) evidence, circumstantial evidence, documentary evidence, hearsay evidence, and signed affidavits. This doesn't imply that all evidence admitted is equivalent in weight, since most testimony has some degree of bias or tends to lead the listener to a single interpretation of a fact or situation.
- a. In the event that oral testimony is presented, the IFC Executive Vice-President will invite a reasonable number of witnesses whose presence is deemed appropriate or who have been named as witnesses by the plaintiff or defendant. Justice's and the IFC Executive Vice-President are excluded from being witnesses.

Section 5. *Rights of an Accused Fraternity*

- A. Right to be informed in writing of all charges at least five days before any hearing.
- B. Right to waive, in writing, the five-day notice of hearing.
- C. Right to reasonable access to the case file upon request, which shall be maintained by the IFC Executive Vice-President.
- D. Right to remain silent.
- E. Right to have an advisor present during the hearing. An attorney may appear at an administrative hearing as an advisor. An advisor may not address the board, represent the accused student, or directly question or cross-examine witnesses; his role is simply to advise the chapter.
- F. Right to question witnesses.
- G. Right to review all evidence.
- H. Right to present witnesses.
- I. Right to a closed hearing, or an open hearing, upon request.
- J. Right to a written statement of the outcome of the proceeding and decision of the Judicial Board within five business days of the hearing.

- K. Right to appeal the decision, in writing to the Director of Greek Life and the IFC Executive Vice President within three business days of receiving notification of hearing outcome.

Section 6. *Rights of Individuals/Fraternities Making a Claim*

- A. Right to submit a victim/witness impact statement that details the alleged actions/consequences of the claim.
- B. Right to have a personal advisor accompany him during the hearing. An advisor may not address the board, represent the accused student, or directly question or cross-examine witnesses; his role is simply to advise the chapter.
- C. Right to be informed of the outcome of the hearing upon request.
- D. Right to not have his past behavioral history discussed during the hearing. Questions of relevancy shall be determined by the IFC executive Vice-President.

Section 7. *Agenda for Judicial Board Hearing*

- A. Initiating Hearing
 - 1. All persons, including any witnesses are called into the hearing room. First, the Judicial Board members, accused, and the party bringing the claim will introduce themselves. Then, the IFC Executive Vice-President will start the hearing by stating:
“Thank you for attending this hearing of the IFC Judicial Board. It is essential that all information presented in this hearing remain completely confidential. This hearing must be conducted in an orderly manner and anyone violating that directive will be required to leave. Disciplinary action may be pursued against anyone found to be misrepresenting the truth in this hearing.”
- B. Charge and Response.
 - 1. The IFC Executive Vice-President instructs those present:
“All discussion and questions must be limited to the specific acts and charges alleged in the incident report or written statement while the Board is trying to determine guilt or innocence. However, the IFC Judicial Board By-laws provide that if another infraction should be revealed during the course of the hearing, that may also be adjudicated. Please restrict your discussion accordingly. Only the evidence presented in this hearing can be used to determine guilt or innocence.
 - 2. The IFC Executive Vice-President will then ask all witnesses to leave the room. The person bringing the charges, the accused chapter representatives, the Judicial Board, the Director of Greek Life, an appointed campus staff member, and the chapter advisor (if present) shall remain.
 - 3. The IFC Executive Vice-President states, “I will now read the charge.” (He should not read a description of the incident, only the specific charge or charges as stated in the Letter of Charges).
- C. Accusers Presentation
 - 1. The individual initiating the charges reports his case. In some cases an incidence report or police report may be used in lieu of a presentation.

2. The accused may question the individual who made the presentation.
 3. The Judicial Board may question the individual who made the presentation.
- D. Witnesses of Fact Against Accused
1. All other witnesses “against” the accused are called into the room individually for their testimonies. Testimonies are limited to a 10 minute time period.
 2. After each witness against the accused has testified, the accused will have the opportunity to question the witnesses in an orderly manner followed by questions from the Judicial Board.
- E. Evidence and Witnesses for the Accused
1. The IFC Executive Vice-President states, “(fraternity), you have heard the testimony against you. Would you like to make a statement or present any evidence on your own behalf?”
 2. After the accused has made his statement, the individual who filed the complaint and the Judicial Board may question the accused regarding the incident.
 3. The accused may call witnesses individually and ask them to present their testimony. Testimonies are limited to a 10 minute time period.
 4. After each witness for the accused has testified, the Accuser and the person(s) who filed the report will have the opportunity to question the witnesses in an orderly manner followed by questions from the Judicial Board.
- F. Found in Violation or Not in Violation
1. Once testimony has been taken and the accused has completed his presentation, the IFC Executive Vice-President will ask each side to make their closing arguments. Once this is complete, the IFC Executive Vice-President states:
 “Is there any additional information or questions desired? If not, I would like to excuse all persons except the Judicial Board members, and the Director of Greek Life so that we can deliberate.” All persons should leave the room while the Board decides on a violation or not in violation.
 2. The Judicial Board makes a decision as to what it believes actually happened at the incident. The Judicial Board then votes by secret ballot. The IFC Executive Vice-President votes however, his ballot is only used in the event of a tie. A simple majority is necessary to find an organization in violation.
 3. the IFC Executive Vice-President shall tally the ballots.

Section 8. *Agenda for Judicial Board Hearing*

- A. Call to order by IFC Executive Vice-President.
- B. Introductions
- C. Five minute opening statement by accuser
- D. Call of any witnesses by the accuser and cross examination
- E. Five minute opening statement by accused
- F. Call of any witnesses by the accused and cross examination

- G. Closing statements by the accuser
- H. Closing statement by the accused
- I. All in attendance except the IFC Executive Vice-President, Judicial Board members, and the Director of Greek Life are excused from the meeting.
- J. Charges stated by IFC Executive Vice-President
- K. Discussion of charges
- L. Verdict rendered
- M. Appropriate penalty determined if guilty or if not guilty, charges dismissed
- N. After accuser and accused return to the hearing room, verdict is read
- O. Verdict and appeal information (if guilty) put in writing and delivered to chapter presidents by the IFC Executive Vice-President. This outcome will also be shared at the next regularly scheduled IFC meeting, after the closure of the appeals process.

Section 9. *Witnesses*

- A. The Judicial Board has the authority to require members of fraternities/sororities to appear as witnesses. A Greek member should normally be served with a notice to appear at least seventy-two (72) hours before the scheduled hearing. This notice period may be shortened if circumstances warrant. If a Greek member who has received reasonable prior notice fails to appear without an adequate reason, the Judicial Board may levy a fine of up to \$50.00 against the Greek member.
- B. Faculty/staff members, students who are not members of Greek-letter organization, and others may be requested to appear as witnesses at hearings.
- C. Although witnesses are not placed under oath during hearings, every witness is expected to speak the truth. If it can be proved that a member of a fraternity clearly and deliberately falsified testimony presented to the Judicial Board, the Judicial Board will take disciplinary action against his fraternity.

Section 10. *Dispositions*

- A. Culpable, meaning responsible, must be proved by “clear and convincing” evidence. The standard of proof, “clear and convincing” does not mean that Judicial Board members may not have doubts about culpability; the standard requires only that the Judicial Board member be convinced of responsibility to a substantial level of certainty.
- B. If it is determined that the defendant is culpable of a violation, the Judicial Board will take appropriate and authorized action and impose any authorized and judicious sanction(s). This information will be submitted in writing to the defendant promptly.
- C. The written decision will include the facts of the case, the sanction(s) imposed, and notice of the right to request an appeal the decision via the Appeals Panel.
- D. If it is determined that the defendant is not culpable of a violation, the Judicial Board will submit this decision promptly as well.

- E. All final actions are to be submitted in writing by the Judicial Board through the Chief Justice of the Judicial Board to the IFC Executive Boards through the IFC Presidents.
- F. A copy of the decision shall be given to the Judicial Affairs Officer, the Director of Greek Life, the IFC Judicial Board Archives, the charged fraternities president, chapter alumnus advisor, and the national offices.

ARTICLE IV

Sanctions

- Section 1.** In determining an appropriate sanction, the Judicial Board should consider the following factors:
- 1. Was the behavior intentional?
 - 2. What were the direct and indirect actual consequences of the behavior?
 - 3. What were the potential consequences?
 - 4. What actions have already been taken to correct the situation? What sanctions have been imposed by other disciplinary bodies?
 - 5. Has the fraternity previously engaged in similar behavior? Is this fraternity currently on probation?
 - 6. What is the educational value of the sanction? Will it help the group to act more appropriately in the future? Will it be effective in discouraging similar behavior by other fraternities?
 - 7. Is the sanction consistent with sanctions imposed on other fraternities for similar violations and similar circumstances?
 - 8. Is the sanction appropriately related to the offense?
 - 9. Is the sanction consistent with the expectations of the University administration and the IFC?

- Section 2.** The Judicial Board will have the power to set penalties if a member fraternity or individual fraternity member(s) is found culpable of violating any rules and regulations of the IFC or University. These penalties will include any of the following or any other action deemed necessary and proper. Any disciplinary sanction imposed on a fraternity(s) or a fraternity member(s) will, even when punitive, be constructive in intent and try to serve as a learning opportunity.

- 1. **EXPULSION**
Expulsion means that the offending chapter will have no voice on the IFC and will not participate in any IFC sponsored activity. The chapter will lose all IFC recognition and will be excluded from membership. If a fraternity is expelled from IFC, the University will request that the national/international officers revoke the chapter's charter.
- 2. **SUSPENSION**

Suspension from IFC, for a definite period, not to exceed one year. A suspended chapter loses all privileges associated with IFC membership, including but not limited to:

- a. the right to vote on all matters concerning the IFC.
- b. the right to have members on IFC Exec. Board or Judicial Board,
- c. participation in the IFC intramural sports leagues (no member shall represent the suspended chapter in any shape or form when competing outside the IFC intramural sports leagues),
- d. the privilege of posting on campus
- e. participation in IFC sponsored rush activities or inclusion in IFC rush publications (A suspended chapter may conduct its own rush activities but must follow the IFC Rules of Rush).
- f. participation in Greek Week and IFC sponsored social or recreational events,
- g. participation in the Chancellor's Award competition.

A suspended chapter shall be required to fulfill all obligations of membership including payment of dues, attendance at IFC meetings, and to compliance with IFC and University policies. Failures to fulfill these obligations may prevent reinstatement to good standing.

3. **PROBATION**

Probation, defined as a period of time, not to exceed one year, during which a fraternity is ordered to conform to established policies and regulations and/or adhere to certain conditions, with the consequences of failure to comply with probationary requirements specified in advances (a probation does not necessarily involve any loss of privileges).

4. **SOCIAL PROBATION**

Social probation, defined as a period of time, not to exceed one year, during which a fraternity is not allowed to hold any chapter events that have alcohol present. This includes but is not limited to parties, formals, exchanges and retreats.

5. **FINES**

Fines may be levied at a level which the Judicial Board deems suitable and appropriate with respect to the violation. Fines will be designated in the decision to be paid to an appropriate organization or agency whose purpose is related to the violation. The minimum fine is \$75 per chapter.

A fine given to a chapter that is found violating the alcohol policy in regards to recruitment shall follow the following guidelines, these guidelines are per event and as such may be levied multiple times if there are multiple events. These guidelines are inclusive

of all recruitment events as defined by the IFC Recruitment Bylaws.

Tier 1 – A 7\$ per active member fine. This is the minimum fine that the chapter may receive for violating the alcohol policy. This fine is for events that have under 15 total people. This is considered a minor event and as such is given a small fine relative to the violation that is occurring.

Tier 2 – A 12\$ per active member fine. This is the minimum fine a fraternity may receive for events that have less than 100 total people but more than 15 people.

Tier 3 – A 17\$ per active member fine. This is the minimum fine a fraternity may receive for events that have over 100 total people present at the event.

The tier system is to work as such:

1. If the event does not seem planned or has a large number of random people and a minimal (five or less) number of “brothers” at the event it may be brought down 1 tier, the violation cannot be downgraded below Tier 1. This is primarily regarding IFC finding one or two members at a party where it clearly was not a concerted chapter effort.
2. If a fraternity is found in violation of the alcohol policy for the second straight year, they will be increased by one tier.
3. If a fraternity is found in violation of the alcohol policy for a third straight year the tier will be increased by two tiers.
4. If the event appears to be intentional and planned, by the chapter and not just the few brothers present, then the tier will be increased by one tier level.
5. The Judicial Board should consider prior violations.

The Judicial Board shall also consider prior violations the chapter has had as well as the context of the event when determining the sanction.

When reviewing the event please refer to Article IV Section 1 above in regards to the event. Also note such important factors as: was it a safe environment, was anyone in danger, and were the people involved able to handle any possible issues that may have arisen. Also, note that the fines listed above are minimum fines and should be taken into context when being reviewed, not just levied at the minimum level as each case is unique.

6. COMMUNITY SERVICE

Community service projects are to be constructive in nature, such as work projects or social service projects, which the Judicial Board deems suitable and appropriate with respect to the violation.

7. EDUCATIONAL PROGRAMMING

Educational programming may range from one session to a series of sessions on a specific or related topic(s) which the Judicial Board deems suitable and appropriate with respect to the violation.

8. UCI COMMUNITY INVOLVEMENT

UCI Community Involvement is a sanction given to a chapter that may have a harsh sanction delivered to them but the IFC is not interested in pushing them away and is more so interested in keeping that chapter a close knit part of the IFC community. Such a sanction refers to the planning, organizing and running of an event or events that focus on involving the sanctioned chapter with the IFC community. Some sample events are, a school-wide BBQ, a IFC Sports All-Star competition, an instructional workshop or a planned community service event.

9. RESTITUTION

Financial or other restitution for property damage or physical injury (limited to the actual costs, including fair value of labor).

10. REPRIMAND

A reprimand is a public warning indicating that the chapter's or member's actions were inappropriate and that subsequent infractions should not occur. Subsequent violations of the same rule(s) and/or regulations(s) of the IFC or University will be subject to a more serious penalty. This shall be automatic in the case of any sanction given and shall be delivered at the next regularly scheduled IFC meeting.

11. GOOD BEHAVIOR CLAUSE

The Good Behavior Clause is a clause that can be put into a sanction granting the fraternity a lessened punishment based on it completing its sanctions in a timely fashion as well as completing or abiding by certain requirements set out by the judicial board and/or IFC board when the sanction was first delivered. This is recommended for use in extreme cases where the punishment is very harsh and based off of repeated offenses.

12. NATIONAL NOTIFICATION

Letter from the Judicial Board to the National or International office of the fraternity shall be automatic in the case of any sanction given.

The Judicial Board also has the authority to issue reasonable "alternative sanctions," defined as constructive requirements appropriate to the offense.

The Judicial Board may also recommend to the Greek Advisor that individual fraternity members be referred to the University Judicial Affairs Officer.

If a sanction is not completed or fulfilled, then the Judicial Board may refer the individual fraternity members to the Dean of Students.

If the fraternity chooses to appeal a decision of the Board, the sanction shall not become effective until after the appellate process is completed.

ARTICLE V
Appeals Board Hearing Process

Section 1. Appeals will be heard by a three-member Appeals Panel consisting of IFC chapter presidents. For each hearing, three presidents will be randomly selected to serve on the Panel. No president shall be chosen to hear a case involving his own fraternity. Once a president has served on a Panel, he will not serve on another panel until all other presidents have been used.

Section 2. All appeals must be submitted in writing to the Director of Greek Life and the IFC Executive Vice-President no later than three business days after written notification of the Judicial Board decision has been received by the fraternity involved.

Section 3. Appeals can only be made if the charged fraternity feels that:

1. There was a mistake in procedure;
2. The facts uncovered in the case do not prove culpability;
3. The penalty is too harsh.

No new evidence may be presented at the time of the appeal. No witnesses will be presented in an appeals case.

Section 4. *Procedure*

1. The following people may be present during the appeals process: the mediator, the presidents of the involved chapters, the chapter recruitment chairman, an advisor from each chapter involved, signer of the violation form, the IFC Executive Vice-President, and the Director of Greek Life. A member of the IFC Judicial Board or the IFC Executive Board may not represent his own chapter during an appellate hearing.
2. The appeal is heard by the Appeals Panel, and evidence is presented by the charged fraternity and the Judicial Board.
3. The President or an appointed representative from the accused fraternity will give a brief summary of the facts of the case, including the reason for an appeal. No new evidence may be presented.
4. The Judicial Board will present the reason for its decision. IFC Executive Vice-President shall appoint a member of the Judicial Board as a representative.
5. After questions from the panel, each party shall make a closing statement. The Judicial Board shall speak last. Questions may be asked: a) to each party after their original statements, and b) to either party after their closing summaries.
6. Both parties will be instructed to leave the room and the Appeals Panel will deliberate and vote on the appeal. A separate vote will be taken on each count in the appeal. The vote is conducted by secret ballot. A two-thirds majority is needed to sustain the appeal.

7. If the appeal is denied, the accused fraternity must comply with the original Judicial Board decision.
8. If the appeal is upheld, the Appeals Panel holds jurisdiction in the case, and they will decide what appropriate actions should be taken.
9. The fraternity involved will receive written notification of the outcome within five business days of the hearing. This outcome will also be shared at the next regularly scheduled IFC meeting.

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